

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

SHEENA JAMES,

Defendant.

CASE NO. 8:08CR476

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation (Filing No. 66) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's motion to suppress (Filing No. 37). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing evidence obtained and statements made as a result of the Defendant's October 27, 2008, interview by law enforcement and the October 29, 2008, search of her residence. (Filing No. 37.) The motion was expanded to include statements made to law enforcement on December 10, 2008. Judge Gossett concluded: the Defendant's October and December statements were both noncustodial; even assuming the statements were custodial, the Defendant's *Miranda* rights were voluntarily waived and her statements were voluntary; the Defendant's consent for the search of her residence was voluntary; and the statements were not the fruit of illegal conduct.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 38, 47) and the transcript (Filing No. 73). The Court has also viewed the evidence. (Filing No. 55.) Because Judge Gossett fully, carefully, and

correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 66) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 37) is denied.

DATED this 8th day of June, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge